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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,027	11/27/2001	Anthony J. Dezonno	83766	9621

24628 7590 07/08/2004

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,027

Applicant(s)

DEZONNO, ANTHONY J.

Examiner

Bing Q Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13, 14, 21, 22, 27, 28, 32, 33, 36, 37 and 39 is/are rejected.
- 7) ☒ Claim(s) 9-12, 15-20, 23-26, 29-31, 34, 35 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 and 5</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-39 are pending in the application for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 13-14, 21-22, 27-28, 32-33, 36-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey et al (US Pat No. 6,665,395) in view of Flockhart et al (US Pat No. 6,661,889), herein after referred as Busey and Flockhart.

Regarding claim 1, referring to Fig. 1A, Busey teaches a method for routing incoming calls from callers to agents (e.g., agents "24") associated with the automatic call distribution system (e.g., Web ACD "12"), at least some of the incoming calls based on non-voice dialog communication (e.g., Web page, chat, video or e-mail; see col. 9, lns 22 – 43), the method comprising:

identifying a plurality of transaction-handling skills representative of skills possessed by the agents in handling the non-voice dialog communication (e.g.,

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agent's efficiency at handling a particular communication medium or communication type; see col. 3, Ins 9 – 25 and col. 8, Ins 6 - 10);

identifying agents who are available to handle the incoming call (see col. 3, Ins 9 – 25 and col. 8, Ins 6 - 10);

selecting an available agent based on the determined skill levels (see col. 3, Ins 9 – 25 and col. 8, Ins 6 - 10); and

transferring the incoming call to the selected agent (see col. 3, Ins 9 – 25 and col. 8, Ins 6 - 10).

Busey differs from claimed invention in which it does not explicitly teach for each agent, determining a skill level possessed by the agent for at least some of the plurality of transaction-handling skills, forming an agent profile corresponding to the determined skill levels; assigning a weight to each determined skill level.

However, referring to Fig. 6 and col. 9, Ins 36 – 65, Flockhart teaches for each agent, determining a skill level (e.g., level “1” or “2”) possessed by the agent (e.g., agent “1”, “2” or “3”) for at least some of the plurality of transaction-handling skills (e.g., skill “A”, “B”, “C” or “D”), forming an agent profile (e.g., agent profile shown in Fig. 6) corresponding to the determined skill levels (e.g., level “1” or “2”); assigning a weight to each determined skill level (e.g., weight of “1.0” for skill level “1” and “.95” for skill level “2”).

Therefore, integrating Flockhart's teachings into the WebACD system of Busey would have been obvious for providing good service to customers since the service agents serving customers are assigned based on their skill level.

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Regarding claim 2, Busey teaches the method according to claim 1 wherein the transaction-handling skills based on agent's efficiency at handling a particular communication medium or communication type, not based on product knowledge (see col. 3, Ins 9 – 25 and col. 8, Ins 6 – 10).

Regarding claim 3, Flockhart teaches the method according to claim 1 wherein the agent profile is in the form of at least one of an array, a matrix, a database and a data structure (see Figs 3 – 6 and rejection pertaining to claim 1).

Regarding claim 4, Busey teaches the method according to claim 1 wherein the transaction-handling skills related to IP voice (see col. 9, Ins 54 – 61), not related to a subject matter of the non-voice dialog communication.

Regarding claim 5, Flockhart teaches the method according to claim 1 further including the step of determining an overall skill level for each agent based upon the weighted determined skill levels (see Fig. 6, col. 9, Ins 36 – 65, and rejection pertaining to claim 1).

Regarding claims 6-8, the recited claimed features are well known in art that configured based on service objective.

Regarding claim 13, Busey teaches the method according to claim 1 wherein the transaction-handling skills are selected from the group consisting of typing speed, typing accuracy, reading speed, reading comprehension, ability to handle multiple simultaneous transactions, experience level in handling non-voice dialog communications, agent response time, and context switching speed (see col. 3, Ins 9 – 25 and col. 8, Ins 6 - 10).

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Regarding claim 14, Flockhart teaches the method according to claim 1 wherein the skill levels for some of the transaction-handling skills are calculated using techniques selected from the group consisting of assigning a default level, assigning a skill level by a supervisor based on observation of the agent, assigning a skill level based on results of standardized tests, and assigning a skill level based on automatic monitoring of the agent's transactions (see Fig. 6, col. 9, Ins 36 – 65, and rejection pertaining to claim 1).

As to claims 21-22 and 27-28, they are rejected for the same reasons set forth to rejecting claims 1, 8 and 13-14, respectively.

As to claims 32 and 39, they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 32 and 39 are merely a system for implementing the method defined in the method claim 1.

As to claims 33 and 36-37, they are rejected for the same reasons set forth to rejecting claims 8 and 13-14 above, since claims 33 and 36-37 are merely a system for implementing the method defined in the method claims 8 and 13-14, respectively.

Allowable Subject Matter

4. Claims 9-12, 15-20, 23-26, 29-31, 34-35 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 6,064,730

U.S. Pat. No. 6,222,919

U.S. Pat. No. 6,230,287

U.S. Pat. No. 6,233,332

U.S. Pat. No. 6,389,132

U.S. Pat. No. 6,553,114

U.S. Pat. No. 6,570,980

U.S. Pat. No. 6,636,599

U.S. Pat. No. 6,704,410

U.S. Pat. No. 6,744,877

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

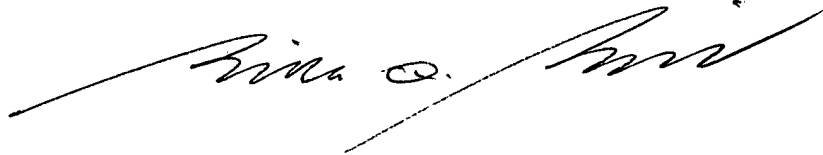
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is

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assigned is (703) 872-9306 and for formal communications intended for entry (please label the response EXPEDITED PROCEDURE) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Paper Number : 6
Jun / 25 / 2004

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', with a long horizontal stroke extending to the left.

BING Q. BUI
Primary Examiner